

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA, Plaintiff,

CRIMINAL CASE NO. 07CR329-LAB

v.

**ORDER AND CONDITIONS OF PRETRIAL****RELEASE: BAIL (18 U.S.C. § 3142(c))**

Kyle Dustin Foggo (1) Defendant.

A hearing was held to determine pretrial conditions of release of the defendant pursuant to 18 U.S.C. § 3142. The Magistrate Judge determined an unconditional release pursuant to 18 U.S.C. § 3142(b) is not sufficient to assure the appearance of the defendant and the safety of the community. Thus, conditions of pretrial release are necessary pursuant to 18 U.S.C. § 3142(c). *Good cause appearing,*

**IT IS ORDERED** that the defendant shall be released subject to the condition that the defendant: (a) *not commit a federal, state or local crime during the period of release,* (b) *make all court appearances and* (c) *comply with the conditions itemized below, as indicated by (✓), in accordance with 18 U.S.C. § 3142(c)(2):*

**STANDARD CONDITIONS:**

- ✓ 1. restrict travel to ☐ San Diego County, ☐ Southern District of California, ☐ Central District of California, ☐ State of California, ☒ United States, ☒ do not enter Mexico, ☐ discretion of the Pretrial Services Officer (PSO) or ☐ other: \_\_\_\_\_;
- ✓ 2. report for supervision to Pretrial Services Agency (PSA) as directed by the assigned PSO;
- ✓ 3. not possess or use any narcotic drug or controlled substance, (defined in 21 U.S.C. § 802), without a lawful medical prescription;
- ✓ 4. not possess any firearm, dangerous weapon or destructive device during the pendency of the case;
- ✓ 5. read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Form;
- ✓ 6. provide the court a current residence address and phone number before release from custody.

**ADDITIONAL CONDITIONS:**

- ✓ 7. ☐ be able to legally remain in the United States during pendency of the proceedings and/or ☒ surrender passport and/or all travel documents to the Court;
- 8. submit to treatment, and/or testing, as specified by the PSO, for: ☐ drugs or alcohol, and/or ☐ psychiatric or psychological counseling;
- 9. participate in ☐ an electronic or ☐ a Global Positioning System (GPS) satellite monitoring program, including, release of defendant to PSA custody; and ☐ residence restrictions and/or ☐ permissive travel for employment. Defendant and sureties are responsible for GPS equipment loss or damage. ☐ submit to supervision and custody of \_\_\_\_\_, designated as custodian; and/or ☐ remain at a specified residence (curfew) between the hours of \_\_\_\_\_ P.M. and \_\_\_\_\_ A.M. daily;
- 10. not have contact with anyone involved in this case except through counsel, or with the following persons: \_\_\_\_\_;
- 11. actively seek and maintain full-time employment, schooling, or combination of both;
- ✓ 12. execute a personal appearance bond in the amount of \$ 200,000 secured by: ☒ a trust deed to the United States on real estate approved by the Magistrate Judge; ☒ the co-signatures of \$100,000 w/ 2 signatures financially responsible (related) adults, ☐ other: \_\_\_\_\_;
- 13. provide the court with: ☐ a cash bond and/or ☐ execute a bail bond by an approved solvent corporate surety in the amount of \$ \_\_\_\_\_ that covers **ALL** conditions of release (not just appearances).
- 14. ☐ Nebbia hearing, and/or ☐ Examination of Sureties required prior to release from custody;
- 15. 18 U.S.C. § 3142(d) hold until \_\_\_\_\_; if no detainer is lodged by then, these conditions take effect.
- 16. all conditions previously set will remain the same.
- ✓ 17. other conditions: Off to surrender passport.

DATED: 2/14/07

cc: Defendant/Counsel &amp; Pretrial Services Agency 2007

**FILED**

Larry A. Ben  
United States Magistrate Judge  
District